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OUR FILE NO. 347155-29

VIA E-FILE

Magistrate Judge Elizabeth D. Laporte
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Network Appliance, Inc. v. Sun Microsystems, Inc., U.S.D.C., Case No. C-07-06053 EDL

Dear Magistrate Judge Laporte:

Pursuant to Local Rule 7-11, Sun Microsystems, Inc. ("Sun") hereby moves the Court for an Order permitting Sun to file a 45-page Opening Claim Construction Brief ("Opening Brief"). Due to the complexity of the technology and the number of issues to consider, Sun requests this additional space to provide the Court adequate briefing of the technology and issues at hand.

As the Court may recall, Sun's Opening Brief will address seven claim terms across three patents. At present, Sun has allocated approximately eight pages to discussing the claimed invention in the three patents. Sun also has allocated approximately three to four pages discussing each of the seven claim terms (for a total of approximately 28 pages). Because Sun contends that one of the claim terms for United States Patent No. 7,200,715 is indefinite, Sun has devoted approximately six pages to discussing that claim term, which includes an analysis of the indefiniteness of that term and provides an alternative construction should the Court hold that the term is not indefinite.

The remaining pages of Sun's Opening Brief is made up of a short introduction, a legal standard section, figures from the patents and approximately three pages setting forth the representative claims of the patents-in-suit. While Sun can move the discussion regarding the claimed inventions to the declaration of one of its experts, or remove some of the figures in its Opening Brief, Sun believes that an explanation of the claimed invention immediately before delving into a discussion of the claim terms would benefit the Court's consideration of the issues at hand. Also, if the explanation of the patents and the relevant figures are instead included in the expert declarations, it will be less convenient for the Court



Magistrate Judge Elizabeth D. Laporte
July 3, 2008
Page Two

Therefore, Sun respectfully requests that the Court allow Sun to file a 45-page Opening Brief.

Respectfully,

DLA PIPER US LLP

A handwritten signature in black ink that reads 'Christine K. Corbett'.

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CKC/cm